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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SEVEN

In re LAWRENCE B., a Person Coming
Under the Juvenile Court Law.

B165039

(Los Angeles County
Super. Ct. No. YJ22940)

THE PEOPLE,

Plaintiff and Respondent,

v.

LAWRENCE B.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, S. Robert Ambrose, Temporary Judge. (Pursuant to Cal. Const., art. VI § 21.) Reversed.

Walter L. Gordon, III, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Pamela C. Hamanaka, Senior Assistant Attorney General, Marc E. Turchin and Richard S. Moskowitz, Deputy Attorneys General, for Plaintiff and Respondent.

Lawrence B. appeals from an order of the juvenile court sustaining a petition filed pursuant to Welfare and Institutions Code section 602 alleging he had committed felony vehicle burglary (Pen. Code, § 459), declaring him to be a ward of the juvenile court and ordering him home on probation.¹ Lawrence B. contends and the People concede the evidence is insufficient to prove he committed vehicle burglary. We agree and reverse the juvenile court's order.²

FACTUAL AND PROCEDURAL BACKGROUND

1. Prosecution Evidence

On August 23, 2002 a deputy sheriff responded to a reported burglary of a church bus. The officer boarded the bus and noticed a hole in the center of the dashboard with protruding loose wires, indicating a radio or stereo had been forcibly removed. He also saw Lawrence B., one of two minors inside the bus, holding a black audio stereo component with dangling wires. The component seemed to be the same size as the hole in the dashboard. Lawrence B. appeared to be attempting to conceal the component between his seat and the one occupied by the other minor. When the deputy sheriff ordered the minors to leave the bus and to place their hands on the hood for a patdown search, Lawrence B. fled.

2. Defense Evidence

The church official who notified the sheriff's department of the burglary testified the deputies responded more than two hours after his call. The official escorted the deputies to the bus and saw two young men inside. The official used a key to unlock the bus at the deputy sheriffs' request.

¹ As a legal resident of New Jersey, Lawrence B. was ordered to report to the probation authorities of that state.

² Because we reverse on sufficiency of evidence grounds, we do not address Lawrence B.'s additional contention the referee lacked jurisdiction to try him because there was no written stipulation he serve as a temporary judge as required by Welfare and Institutions Code section 248.

Testifying on his own behalf, Lawrence B. said he and a friend saw the church bus with its doors partially open and had entered the bus about two minutes before the deputies arrived. Lawrence B. denied removing anything from the center console. He had his own compact disc (CD) player in his hands when the deputy sheriff entered the bus. When Lawrence B. was arrested, he had in his possession his keys, cellular telephone, CD player and digital calendar.

DISCUSSION

1. *The Standard of Review*

The same standard of appellate review is applicable in considering the sufficiency of the evidence in a juvenile proceeding as in reviewing the sufficiency of the evidence to support a criminal conviction. (*In re Cheri T.* (1999) 70 Cal.App.4th 1400, 1404; *In re Jose R.* (1982) 137 Cal.App.3d 269, 275.) In either case we view the evidence in the light most favorable to the People and presume in support of the judgment the existence of every fact the trier of fact could reasonably deduce from the evidence. (*People v. Ochoa* (1993) 6 Cal.4th 1199, 1206; *People v. Jones* (1990) 51 Cal.3d 294, 314.) The defendant's conviction will be upheld if, viewing the entire record in that light, "any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." [Citations.] In making this assessment the court looks to the whole record, not just the evidence favorable to the respondent to determine if the evidence supporting the verdict is substantial in light of other facts. [Citations.]" (*People v. Holt* (1997) 15 Cal.4th 619, 667.)³

³ "Substantial evidence" in this context means "evidence which is reasonable, credible, and of solid value -- such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt." (*People v. Johnson* (1980) 26 Cal.3d 557, 578; accord, *People v. Hill* (1998) 17 Cal.4th 800, 848-849 [""When the sufficiency of the evidence is challenged on appeal, the court must review the record in the light most favorable to the judgment to determine whether it contains substantial evidence -- i.e., evidence that is credible and of solid value -- from which a rational trier of fact could have found the defendant guilty beyond a reasonable doubt."" [Citations.]]].)

2. *The Evidence Is Insufficient to Support the Finding that Lawrence B. Committed Vehicle Burglary*

To establish Lawrence B. committed vehicle burglary the People were required to prove three elements: (1) Lawrence B. entered the bus; (2) when its doors were locked; (3) with the intent to steal or to commit a felony.⁴ Although there is no doubt Lawrence B. boarded the bus, as the People concede, nothing in the record supports a reasonable inference that the bus doors were locked when he entered. The only testimony concerning this element came from Lawrence B. himself, who insisted the bus doors were partially open when he and his companion boarded the vehicle. There was no evidence of Lawrence B.'s forced entry, and no evidence that either he or his companion used a window or key to gain access.⁵

DISPOSITION

The order under review is reversed.

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PERLUSS, P. J.

We concur:

WOODS, J.

MUÑOZ (AURELIO), J.*

⁴ Penal Code section 459 provides: "Every person who enters any . . . vehicle as defined by the Vehicle Code, when the doors are locked . . . with the intent to commit grand or petit larceny or any felony is guilty of burglary."

⁵ There is also an absence of evidence that Lawrence B. intended to steal the stereo component when he boarded the bus.

* Judge of the Los Angeles Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.